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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 LARRY JAMES WOODLEY, )

8 Plaintiff, )

9 v. )

10 LABORERS INTERNATIONAL UNION OF )  
11 AMERICA, LOCAL 242, )

12 Defendants. )

Case No. C09-1414-RSL-BAT

**REPORT AND  
RECOMMENDATION**

13 On October 7, 2009, plaintiff submitted a proposed Complaint and Motion to Proceed *In*  
14 *forma Pauperis* (IFP). Dkt. 1. On October 9, 2009, the Clerk advised plaintiff that his IFP  
15 application was deficient because plaintiff had not filed a written consent for payment of costs  
16 from any recovery as required by Local Rule CR 3(b)(2). Dkt. 3. The Clerk advised plaintiff that  
17 he had 30 days from the date of the order to correct this deficiency. Because plaintiff did not  
18 respond to the request to correct the deficiency, the Court ordered plaintiff to show cause by  
November 16, 2009 why the case should not be dismissed. Dkt. 3.

19 Although plaintiff is represented by counsel, he has failed to submit a filing fee or a  
20 completed application to proceed IFP and has failed to respond to the Court's show cause order.  
21 Accordingly, the Court recommends that plaintiff's complaint be **DISMISSED** without prejudice.

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1 A proposed Order accompanies this Report and Recommendation.

2 DATED this 17<sup>th</sup> day of November, 2009.

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5 BRIAN A. TSUCHIDA  
6 United States Magistrate Judge  
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